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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6457 of 2006

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1. Md. Ashfaque
2. Md. Akhtar Hussain
3. Md. Abbas
4. Md. Ekhlaque @ Ekhlaque Alam

All sons of late Sk. Qurban Ali

5. Md. Rahmatun Nisa
6. Shakeela Khatoon @ Shakeela
7. Quraisha Khatoon @ Quraisha
8. Shoiba Khatoon
9. Rebiya Khatoon
10. Husn-a-Ara
11. Nayeema Khatoon

All daughters of late Sk. Qurban Ali, all residents of village-Maltola Padampur, P.S. Dighal Bank, District-Kishanganj

12. Zaheen Ghalib, S/o Kanee Fatima (since deceased)
13. Masooma Begum D/o Kanee Fatima (since deceased)
14. Wazahat Ara D/o Kanee Fatima (since deceased)
15. Hasina Khatoon D/o Kanee Fatima (since deceased)
16. Bibi Kulsum @ Kulsum Khatoon widow of late Md. Ibrahim :
17. Kausar Alam @ Md. Kausar, son of late Md. Ibrahim :
18. Karamat Alam, son of late Md. Ibrahim :

Heirs of late Md. Qurban Ali

19. Nasreen Begum, daughter of late Ibrahim
20. Akbari Begum, daughter of late Md. Ibrahim
21. Afrin Begum, daughter of late Md. Ibrahim
22. Nudrat Shabani, daughter of late Ibrahim

All residents of village-Maotola-Padampur, P.S. Dighal Bank, District-Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Kishanganj
3. The Additional Collector, Kishanganj
4. The Deputy Collector, Land Reforms, Kishanganj
5. The Circle Officer, Dighal Bank, District-Kishanganj

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.9064 of 2006

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1. Md. Farooque Alam son of late Sk. Enayat Ali
2. Hanufa khatoon, D/o late Sk. Enayat Ali
3. Falatun Nisa, D/o late Sk. Enayat Ali
4. Jinaatun Nisa, D/o late Sk. Enayat Ali
5. Nurun Nissa, D/o late Sk. Enayat Ali
6. Rahila Khatoon, D/o late Sk. Enayat Ali
7. Ummatun Nisa, widow of late Sk. Enayat Ali

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8. Sabera Khatoon, widow of late Luqman
9. Nasir Alam, son of widow of late Luqman
10. Md. Sabir Alam, son of Late Md. Luqman
11. Md. Sadir Alam, son of Late Md. Luqman
12. Md. Parwez Alam, son of Late Md. Luqman
13. Roshan Ara, daughter of Late Md. Luqman
14. Shaheen, daughter of Late Md. Luqman
15. Nazra Begum @ Nazra daughter of Late Md. Luqman
16. Khaleda Begum @ Khaleda daughter of Late Md. Luqman
17. Baby Naz daughter of Late Md. Luqman
18. Sabila Khatoon widow of late Md. Sulaiman
19. Md. Nadeem Asghar son of late Md. Sulaiman
20. Md. Nawaid Asghar son of late Md. Sulaiman
21. Md. Nauhid Asghar son of late Md. Sulaiman
22. Musarrat Jehan, daughter of late Md. Sulaiman

All residents of village-Maltola Padampur, P.S. Dighal Banks, District-Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Kishanganj
3. The Additional Collector, Kishanganj
4. The Deputy Collector, Land Reforms, Kishanganj
5. The Circle Officer, Dighal Bank, District-Kishanganj

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

07. 01-11-2013 Mr. Shabbir Ahmad for the petitioners in the two writ applications and Mr. Mritunjay Kumar, Assisting Counsel to G.P. 10 for the State.

The petitioners in the two writ applications have questioned the order dated 20.02.2006 in Miscellaneous Ceiling Case No. 58 of 1991-92 and 57 of 1991-92 respectively passed by the Collector, Kishanganj in exercise of powers vested under Section 45B of the Bihar Land Reforms (Fixation of Ceiling Area

and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as the 'Act'). The petitioner has also challenged the gazette notification issued under Section 15(1) of the Act placed at Annexure-1.

The dispute raised is amenable to the jurisdiction of the Bihar Land Tribunal constituted under Section 4 of the Bihar Land Tribunal Act, 2009 (hereinafter referred to as the 'Act') and the rules framed thereunder.

In view of the provisions of Sections 9 and 15 of the Act read with rule 5(6) of the Bihar Land Tribunal Rules, 2010, the records of the writ proceedings stand transferred / remitted to the Bihar Land Tribunal for adjudication.

The Registry is directed to transfer the records within four weeks from today.

(Jyoti Saran, J)

S.Sb/-